

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
RE: RETURN OF LAND AND REIMBURSEMENT OF CLAIMS
IN THE WASHINGTON PARK URBAN RENEWAL AREA
PROJECT NO. MASS. R-24

BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That the Director is hereby authorized for and in behalf of the Authority to reacquire by Deed from the City of Boston acting by and through its Public Facilities Commission for consideration of \$84.59 that parcel of land identified as Parcel B on a Plan entitled: "Property Line and Eminent Domain Taking Map (Supplemental Plan) Washington Park Project R-24, Boston Redevelopment Authority, Boston (Suffolk County) Massachusetts", dated January, 1969, prepared by Fay, Spofford and Thorndike, Inc.
2. That the Director is further authorized to execute and deliver a Deed to Mrs. Vera A. Campbell of 90 Harrishof Street, Roxbury, Massachusetts, conveying at no cost to Mrs. Campbell, Parcels B and C as shown on the above described Plan.
3. That the Director is further authorized to execute and deliver a Deed to the City of Boston acting by and through its Public Facilities Commission conveying at no cost to the City of Boston, Parcel A as shown on the above-described Plan.
4. That the Director is further authorized to reimburse the Public Facilities Department of the City of Boston the amount of \$2,441.62, said amount representing additional architectural fees and construction costs incurred by the Public Facilities Department in connection with the realignment of the access road serving the Humboldt Avenue School.

The execution by the Director of the Deeds referred to above to which a Certificate of vote is attached shall be conclusively deemed authorized by this Resolution and conclusive evidence that the terms and provisions thereof are by the Director deemed proper and in the best interests of the Authority.

6

MEMORANDUM

MAY 29, 1969

TO: Boston Redevelopment Authority

FROM: Hale Champion, Director

SUBJECT: WASHINGTON PARK URBAN RENEWAL AREA MASS. R-24
RETURN OF PRIVATE PROPERTY TAKEN IN CONNECTION
WITH HUMBOLDT AVENUE SCHOOL LAND ASSEMBLY AND SETTLEMENT
OF CLAIMS.

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SUMMARY: This memo requests that the Board authorize the various legal actions and reimbursement of claims necessary to re-adjust a land taking in Washington Park.

The Authority, in connection with the land assembly of the Humboldt Avenue School site, (Parcel I-5b in the Washington Park Urban Renewal Area) acquired by an Eminent Domain Taking, a portion of the property belonging to Mrs. Vera A. Campbell of 90 Harrishof Street, an abutting property owner, containing approximately 294 square feet. The property so taken was not a part of the Redevelopment plan but was acquired through an engineering error in the Taking Plan. As a result of this taking Mrs. Campbell's side yard area was considerably reduced and access to her rear lot cut off. The property, taken from Mrs. Campbell by the Authority, was sold to the Public Facilities Department together with the remaining land comprising Parcel I-5b on July 12, 1967.

A substantial portion of the property taken from Mrs. Campbell is, under existing plans designed by Drummey Rosane Anderson, Inc., Architects of the school site, to be utilized for a through access and service road for the school.

After much negotiation between the Authority, the School Department and the Public Facilities Department and on the basis of exhaustive exploration of the possibilities for both retaining the service road which is considered necessary, and re-adjusting the land taking, a physical solution to the problem has been reached which, by providing for the realignment of the service road, will permit a return of land to Mrs. Campbell in a manner which will equitably restore her to her former position.

The solution proposed while it will not permit a return to Mrs. Campbell of the exact configuration of land taken, will nonetheless effectively enlarge her side yard, restore access to her rear lot and result in a return of land area somewhat larger than that acquired. The proposed solution has been found acceptable to all parties concerned and in consideration of the land proposed to be returned, Mrs. Campbell has agreed to the filing of an Entry of Judgment Satisfied for \$1.00 in her action at law brought against the Authority for damages resulting from our taking and a release from all further liability in this manner.

The solution arrived at would require the Authority to reacquire from the Public Facilities Department for consideration of \$.11 per square foot which represents the unit price per square foot which the Public Facilities Department paid for this land, that parcel of land described on the attached plan as Parcel B, containing 769 square feet. The Authority would, in addition acquire by Confirmatory Taking from owners unknown that parcel of land shown on the attached plan as Parcel C, containing 113 square feet. Parcels B and C would then be conveyed by the Authority to Mrs. Campbell without cost and in complete satisfaction of Mrs. Campbell's claim against the Authority. In order to accomodate the realignment of the service road it will be necessary for the Public Facilities Department to obtain that segment of land presently belonging to Mrs. Campbell shown on the attached plan as Parcel A, containing 33 square feet. Mrs. Campbell has consented to the acquisition of Parcel A by the Authority without an award of damages. Parcel A, once acquired, would then be conveyed by the Authority to the Public Facilities Department.

Implementation of this plan will necessitate a change order to the construction contract between the Public Facilities Department and C. A. Batson Company, the General Contractor for the Humboldt Avenue School site. The work which Batson would be required to do in connection with the realignment of the service road will add \$1,649.00 to their contract. Furthermore, Drummey Rosane Anderson, Inc. has claimed \$792.62 in fees for the professional services already rendered in redesigning the driveway and access road. The Public Facilities Department has agreed to accept the above-described solution provided the Authority reimburse it for these additional architectural fees and construction costs which it has and will incur in connection with the implementation of this proposed solution. Certified invoice statements from Drummey Rosane Anderson, Inc. and C. A. Batson Company have been submitted to the Authority and the costs stated above have been determined by the Authority staff to be reasonable.

It is therefore recommended that the Authority adopt the attached Order of Taking authorizing the acquisition of Parcel A and Parcel C as shown on the attached plan and adopt the attached Resolution authorizing the Director to 1) reacquire from the Public Facilities Department, for consideration of \$84.59, Parcel B as shown on the attached plan, 2) convey to the Public Facilities Department Parcel A as shown on the attached plan, 3) convey to Mrs. Vera A. Campbell of 90 Harrishof Street, Roxbury, Parcel B and Parcel C as shown on the attached plan and 4) reimburse the Public Facilities Department in the amount of \$2,441.62 representing additional architectural fees and construction costs incurred by the Public Facilities Department in connection with this matter.

An appropriate Resolution is attached.

Attachments

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated May 29 , 1969, relating to portions of the Washington Park Urban Renewal Area, Mass. R-24, be executed together with a plan consisting of one sheet dated January, 1969, and drawn by Fay, Spofford & Thorndike, Inc., Boston, Mass., entitled "Property Line and Eminent Domain Taking Map (Supplemental Plan) Washington Park Project R-24, Boston Redevelopment Authority, Boston (Suffolk County) Massachusetts" and made a permanent part of the proceedings, copies of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

ATTEST:

Secretary of the Boston Redevelopment Authority

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Francis J. Lally
Melvin J. Massucco
James G. Colbert

George P. Condakes
Patrick Bocanfuso

A true copy

ATTEST:

Secretary of the Boston Redevelopment Authority

SUFFOLK, SS

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the BOSTON REDEVELOPMENT AUTHORITY adopted and filed in the Suffolk County Registry of Deeds, Book 7785 , Page 461, an ORDER OF TAKING dated October 3, 1963 , concerning and describing the Washington Park Urban Renewal Area all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Redevelopment Authority in accordance with the provisions of Section 26P, subparagraph (b) of said Housing Authority Law has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by General Laws (Ter.Ed.) Chapter 79, section 40.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of the Housing Authority Law and without limiting the generality of the foregoing, of Section 26P, of General Laws (Ter.Ed.) Chapter 121, and all other authority thereunto enabling, and pursuant to the applicable provisions of General Laws (Ter.Ed.) Chapter 79 and of any and every power and authority to it, granted or implied hereby takes for itself in fee simple by eminent domain for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston hereinafter described in "Annex A" together with any and all easements and rights appurtenant hereto, including the trees, buildings, and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any

all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provisions of the General Laws, Chapter 79, Section 6, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons including all mortgagees of record having any and all interest in each parcel described in "Annex A" and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The Awards hereby made are set forth in "Annex B" which Annex B is not to be recorded in the Registry of Deeds with this Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: May 29, 1969

BOSTON REDEVELOPMENT AUTHORITY

BY:

ATTEST:

Secretary of the Boston Redevelopment Authority

BOSTON REDEVELOPMENT AUTHORITY TAKING AREA DESCRIPTION

There is hereby taken by this Order of Taking two certain parcels of land situate in the "Washington Park Urban Renewal Area" in Boston, Suffolk County, Massachusetts, identified as Parcel A and Parcel C on a plan recorded herewith entitled "Property Line and Eminent Domain Taking Map (Supplemental Plan) Washington Park Project R-24, Boston Redevelopment Authority, Boston (Suffolk County) Massachusetts", dated January, 1969, and drawn by Fay, Spofford and Thorndike, Inc., Boston, Massachusetts.

Said Parcels A and C are bounded and described as follows:

PARCEL A DESCRIPTION

Beginning at a point, said point being $S36^{\circ} 01' 20''W$ ninety-four and twenty-nine hundredths (94.29) feet from a second point, said second point being on the South side line of Harrishof Street and said second point point being $N69^{\circ} 47' 16''W$ one hundred fourteen and seventy-five hundredths (114.75) feet from a third point and a point of tangency, said point of tangency being the junction of the westerly side line of Humboldt Avenue and the South side line of Harrishof Street;

Thence running $S36^{\circ} 01' 20''W$ nine and sixty-five hundredths (9.65) feet to a point; thence turning and running $N69^{\circ} 47' 16''W$ seven and no hundredths (7.00) feet to a point; thence turning and running $N66^{\circ} 12' 44''E$ thirteen and thirty-nine hundredths (13.39) feet to the point of beginning.

Containing a total of thirty-three (33) square feet, more or less.

PARCEL C DESCRIPTION

Beginning at a point on the South side line of Harrishof Street, said point being $N69^{\circ} 47' 16''W$ one hundred fourteen and seventy-five hundredths (114.75) feet from a point of tangency, said point of tangency being the junction of the South side line of Harrishof Street and the West side line of Humboldt Avenue;

Thence turning and running $S36^{\circ} 01' 20''W$ by land now or formerly of the City of Boston Public Facilities Department thirty-eight and ninety-eight hundredths (38.98) feet to a point;

Thence turning and running $N27^{\circ} 14' 03''E$ by land now or formerly of Vera A. Campbell thirty-seven and seventy-eight hundredths (37.78) feet to a point said point being on the South side line of Harrishof Street;

Thence turning and running $S69^{\circ} 47' 16''E$ by the South side line of Harrishof Street six and no hundredths (6.00) feet to the point of beginning.

Containing a total of one hundred thirteen (113) square feet more or less.

Parcel A and Parcel C, described above, are the only Parcels taken by this Order of Taking.

SUPPOSED OWNER

The Supposed Owner of Parcel A hereby taken is Mrs. Vera A. Campbell, 90 Harrishof Street, Roxbury, Massachusetts.

The Supposed Owner of Parcel C hereby taken is unknown.

The name of the owners herein listed as Supposed Owners although supposed to be correct is such only as a matter of information, opinion, and belief and is listed for informational purposes only.

ANNEX B

WASHINGTON PARK URBAN RENEWAL AREA AWARD OF

DAMAGES

No awards are made with this Order of Taking.